

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE

In Re: Diann Adams Saulsberry
xxx-xx-5461
Debtor.

Chapter 13
Case No. 13-22490

Diann Adams Saulsberry,
Plaintiff.

v.

Adversary No. _

Wells Fargo Home Mortgage,
Defendant.

COMPLAINT TO DETERMINE EXTENT OF LIEN

Comes now the Debtor, by and through counsel, and in support of this Complaint and Cause of Action states:

1. This is an Adversary Proceeding pursuant to Bankruptcy Rule 7001 and arises out of and is related to Debtor's bankruptcy case. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. 157, 1334 and by virtue of 11 U.S.C. 506(a) and U.S.C. 1322(b)(2).

2. That on March 6, 2013, Debtor filed a voluntary petition for relief before this Court.

3. That Debtor scheduled real estate located at 556 Melton, Memphis TN 38109 with a value of Forty Nine Thousand Three Hundred (\$ 49,300.00) Dollars and a balance owed on the first mortgage held by Wells Fargo Home Mortgage of Sixty Thousand Four Hundred Eighty-six (\$ 60,486.19) and Nineteen Cents.

4. That Debtor also scheduled Wells Fargo Home Mortgage as a creditor holding a second mortgage against the same property with a balance owed of Nine Thousand Sixty-nine (\$ 9,769.56) Dollars and Fifty-six Cents.

5. Debtor alleges the second mortgage debt owed to Wells Fargo Home Mortgage is completely unsecured and is thus not entitled to anti-modification protection afforded secured mortgage holders under 11 U.S.C. 1322(2).

WHEREFORE DEBTOR PRAY AS FOLLOWS:

1. For the Court to make a determination as to the extent and validity of the lien held by WFHM.
2. For any other relief to which Debtor may be entitled.

Respectfully submitted,

JIMMY E. MCELROY AND ASSOCIATES

/s/ Joseph D. Fox
Joseph D. Fox, B.P.R.No. 15809
Attorney for Debtor
200 Jefferson Ave., Suite 125
Memphis, TN 38103
(901) 527 - 4110

Service to:

Debtor
Debtor's Attorney
Case Trustee
All Entities on Matrix

Wells Fargo Home Mortgage
7255 Baymeadows WA
Des Moines, IA 50306

Certificate of Service

I, Joseph D. Fox, attorney for Debtor, do hereby certify that I have this day mailed or transmitted electronically a true and correct copy of the above pleading as hereinabove indicated.

So certified, this April 10, 2014.

/s/ Joseph D. Fox
Joseph D. Fox, # 15809